General Assembly

Distr.: General
1 March 2016

Seventieth session
Agenda items 126, 127 and 128

Resolution adopted by the General Assembly on 23 December 2015

[*without reference to a Main Committee (A/70/L.39)*]

70/227. International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Residual Mechanism for Criminal Tribunals

The General Assembly,

Taking note of the letter dated 22 December 2015 from the President of the Security Council to the President of the General Assembly drawing the attention of the President of the Assembly to the text of Council resolution 2256 (2015) of 22 December 2015,[1]

1. *Welcomes* the completion of the judicial work of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, following delivery of its last judgement, on 14 December 2015, and the impending closure of the International Criminal Tribunal for Rwanda set for 31 December 2015;

2. *Acknowledges* the substantial contribution of the International Criminal Tribunal for Rwanda to the process of national reconciliation and the restoration of peace and security, and to the fight against impunity and the development of international criminal justice, especially in relation to the crime of genocide;

[1] A/70/661.

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3. *Reiterates its request* to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to complete its work and facilitate the closure of the International Tribunal for the Former Yugoslavia as expeditiously as possible, with the aim of completing the transition to the International Residual Mechanism for Criminal Tribunals, and expresses its continued concern over repeated delays in the conclusion of the work of the Tribunal, in the light of Security Council resolution 1966 (2010) of 22 December 2010, in which the Council requested the Tribunal to complete its trial and appeals proceedings by 31 December 2014;

4. *Underlines* that States should cooperate fully with the International Tribunal for the Former Yugoslavia, as well as with the International Residual Mechanism;

5. *Decides* to extend the term of office of the following permanent and ad litem judges at the International Tribunal for the Former Yugoslavia, who are members of the Trial Chambers and the Appeals Chamber, until 31 March 2016 or until the completion of the cases to which they have been or will be assigned, if sooner:

Mr. Jean-Claude Antonetti (France)
Mr. Melville Baird (Trinidad and Tobago)
Mr. O-gon Kwon (Republic of Korea)
Ms. Flavia Lattanzi (Italy)
Mr. Howard Morrison (United Kingdom of Great Britain and Northern Ireland)
Mr. Mandiaye Niang (Senegal)

6. *Also decides* to extend the term of office of the following permanent judge at the International Tribunal for the Former Yugoslavia, who is a member of the Appeals Chamber, until 30 June 2016 or until the completion of the cases to which he has been or will be assigned, if sooner:

Mr. Koffi Kumelio A. Afande (Togo)

7. *Further decides* to extend the term of office of the following permanent and ad litem judges at the International Tribunal for the Former Yugoslavia, who are members of the Trial Chambers, until 31 October 2016 or until the completion of the cases to which they have been or will be assigned, if sooner:

Mr. Guy Delvoie (Belgium)
Mr. Burton Hall (Bahamas)
Mr. Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)

8. *Decides* to extend the term of office of the following permanent judges at the International Tribunal for the Former Yugoslavia, who are members of the Trial Chambers and the Appeals Chamber, until 31 December 2016 or until the completion of the cases to which they have been or will be assigned, if sooner:

Mr. Carmel A. Agius (Malta)
Mr. Christoph Flügge (Germany)
Mr. Liu Daqun (China)

Mr. Theodor Meron (United States of America)
Mr. Bakone Melema Moloto (South Africa)
Mr. Alphonsus Martinus Maria Orie (Netherlands)
Mr. Fausto Pocar (Italy)

9. *Also decides* to reappoint Mr. Serge Brammertz as Prosecutor of the International Tribunal for the Former Yugoslavia, notwithstanding the provisions of article 16, paragraph 4, of the statute of the Tribunal related to the length of office of the Prosecutor, for a term with effect from 1 January 2016 until 31 December 2016, which is subject to an earlier termination by the Security Council upon the completion of the work of the Tribunal;

10. *Renews its call upon* the International Tribunal for the Former Yugoslavia, in the light of Security Council resolution 1966 (2010), to redouble its efforts to review its projected case completion dates with a view to shortening them as appropriate, and to prevent any additional delays;

11. *Requests* the Office of Internal Oversight Services to carry out an evaluation of the methods and work of the International Tribunal for the Former Yugoslavia, in the context of the implementation of the completion strategy pursuant to resolution 1966 (2010), and to submit its report by 1 June 2016, and requests the Tribunal to report thereafter on the implementation of any recommendations of the Office in the next biannual report to the Security Council of its President and Prosecutor on progress towards implementation of the completion strategy of the Tribunal;

12. *Commends* those States that have accepted the relocation to their territories of acquitted or convicted persons who have completed serving their sentences, and reiterates its call upon all States to cooperate with and render all necessary assistance to the International Residual Mechanism with respect to increased efforts towards the relocation of acquitted or convicted persons who have completed serving their sentences;

13. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify their cooperation with and render all necessary assistance to the International Residual Mechanism, in particular to achieve the arrest and surrender as soon as possible of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda;

14. *Urges* the Government of the Democratic Republic of the Congo to transfer Mr. Ladislas Ntaganzwa for trial without delay or conditions;

15. *Urges* the International Residual Mechanism to continue to monitor the cases of Mr. Laurent Bucyibaruta, Mr. Wenceslas Munyeshyaka, Mr. Jean Uwinkindi and Mr. Bernard Munyagishari, which were referred to national jurisdictions;

16. *Emphasizes* that, in view of the substantially reduced nature of the residual functions, the International Residual Mechanism was established to be a small, temporary and efficient structure, whose functions and size would diminish over time, with a small number of staff commensurate with its reduced functions, and, recognizing in this regard the full commitment to these elements expressed by the Mechanism, urges the Mechanism to continue to be guided by them in its activities;

17. *Welcomes* the report of the International Residual Mechanism[2] and the supplementary information submitted by the Mechanism to the Security Council pursuant to the statement by the President of the Council of 16 November 2015,[3] for the purpose of reviewing the progress of the work of the Mechanism, including in completing its functions, as required in paragraph 17 of resolution 1966 (2010);

18. *Takes note* of the work of the International Residual Mechanism to date, in particular the development of a legal and regulatory framework, procedures and working practices consistent with the statute of the Mechanism[4] and drawing on lessons learned from and best practices of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and other tribunals, including its implementation of the double-hatting of personnel, use of rosters to ensure that judges and staff are utilized only when required, enabling judges and staff to work remotely to the maximum extent possible, and minimizing the need for full-bench participation in pretrial and pre-appeal hearing-related work, in order to produce substantial reductions in the costs of judicial activities compared with those of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and commends the Mechanism on its efforts to produce such reductions;

19. *Also takes note* of the views on and the recommendations made with regard to the work of the International Residual Mechanism by the Security Council Informal Working Group on International Tribunals, as reflected in the present resolution, and requests the Mechanism to take into account those views and implement those recommendations, and to continue to take steps, such as those referred to in paragraph 18 above, to further enhance efficiency and effective and transparent management, in particular full implementation of the outstanding recommendations of the Office of Internal Oversight Services; production of more focused projections of completion timelines and disciplined adherence thereto, including by making the best use of the diverse approaches of common law and civil law systems; enhancement of the geographical diversity and gender balance of staff, while ensuring continued professional expertise; implementation of a human resources policy consistent with its temporary mandate; and further reduction of costs, including through, but not limited to, flexible staff engagement;

20. *Requests* the International Residual Mechanism to include in the biannual reports to the Security Council information on progress achieved in implementing the present resolution, as well as detailed information on the staffing of the Mechanism, respective workload and related costs, with breakdown by division, and detailed projections of the duration of residual functions based on available data;

21. *Takes note* of the conclusion of the review by the Security Council of the progress of the work of the International Residual Mechanism, including in completing its functions, during its initial period, pursuant to resolution 1966 (2010);

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[2] S/2015/896.

[3] S/PRST/2015/21.

[4] Security Council resolution 1966 (2010), annex 1.

22. *Recalls*, with a view to strengthening independent oversight of the International Residual Mechanism, that, as set out in the statement by the President of the Security Council of 16 November 2015, future reviews carried out pursuant to paragraph 17 of resolution 1966 (2010) shall include evaluation reports sought from the Office of Internal Oversight Services with respect to the methods and work of the Mechanism;

23. *Encourages* the International Residual Mechanism and the Government of Rwanda to collaborate on matters related to the legacy of the International Criminal Tribunal for Rwanda with respect to reconciliation and justice in Rwanda, including in respect of access to archives.

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23 December 2015